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LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 63 LGN 75.

Bangalore, dated 18th October 1975.

Ordered that the Karnataka Bonded Labour System (Abolition) Ordinance, 1975 promulgated by the Governor of Karnataka in the Twenty-sixth Year of the Republic of India, be published as Karnataka Ordinance No. 13 of 1975 in the *Karnataka Gazette* for general information.

KARNATAKA ORDINANCE NO. 13 OF 1975

The Karnataka Bonded Labour System (Abolition) Ordinance 1975

(Promulgated by the Governor of Karnataka in the Twenty-sixth Year of the Republic of India and first published in the Karnataka Gazette Extraordinary on the Twentieth day of October 1975)

AN Ordinance to provide for the abolition of Bonded Labour System in the State of Karnataka.

WHEREAS the Karnataka Legislative Assembly is not in session and only the Karnataka Legislative Council is in session and the Governor of Karnataka is satisfied that circumstances exist which render it necessary for him to take immediate action to provide for the abolition of Bonded Labour system in the State of Karnataka;

And whereas the previous instruction of the President have been obtained in pursuance of the proviso to clause (1) of Article 213 of the Constitution of India;

Now, Therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following ordinance, namely :—

1, **Short title and extent.**—(1) This Ordinance may be called the Karnataka Bonded Labour System (Abolition) Ordinance, 1975.

(2) It extends to the whole of the State of Karnataka.

2. **Bonded Labour System defined.**—'Bonded Labour System' means a system, by whatever name it may locally be known, under which an agreement (written or oral or partly written or partly oral) is entered into between a person (hereinafter called the creditor) and another person (hereinafter called the debtor) on any one or both on the following, namely :—

(1) that in consideration of the payment of cash or payment in kind made by the creditor to the debtor, the debtor shall, by himself or through the members of his family, render labour or personal serviee to creditor for a specified period, either without wages or on payment of nominal wages; and

(2) that on failure to render labour or personal service, the debtor shall be bound to repay the cash or the value of the thing received by him and vacate the hut, if any occupied by him and situated in the land belonging to the creditor.

3. Bonded labour system abolition.—(1) on and from the date of the commencement of this Ordinance,—

(a) the bonded labour system shall stand abolished: and

(b) no person shall make any payment either in cash or in kind under the bonded labour system.

(2) If on or after date of commencement of this Ordinance, any payment is made either in cash or in kind under the bonded labour system, the cash paid or the value of the thing given shall not be recoverable by suit or other proceeding in any court and the debtor or any member of his family shall not be bound or compelled to render any labour or personal service by reason of such payment.

4. Obligation to perform labour or personal service to be deemed extinguished.—(1) All obligations of the debtor to perform either by himself or through the members of his family labour or personal service arising from any payment made either in cash or in kind under the bonded labour system before the date of commencement of this Ordinance shall, on such commencement, be deemed to have been extinguished.

(2) The liability of the debtor to repay the whole or such portion of the cash or the value of the thing

received by him under the bonded labour system before the date of commencement of this Ordinance either in cash or by performing labour or personal service shall cease and the debt payable by the debtor together with interest payable thereon shall be deemed to have been wholly discharged.

5. Suits and proceedings to abate :—(1) All suits and proceedings (including appeal, revision, attachment or execution proceeding) pending or the date of commencement of this Ordinance for the recovery of any debt against a debtor shall abate.

(2) Every debtor undergoing detention in a civil prison in execution of any decree for money passed against him by a civil court in respect of any such debt shall be released.

6 Creditor not to accept any payment against discharged debt.—No creditor shall accept any payment against any claim for debt which has been discharged or deemed to have been discharged under this Ordinance.

7 Penalty.—(1) Whoever—

(a) makes payment in cash or in kind or abets any person to make any payment in cash or in kind under the bonded lobour system; or

(b) contravenes the provisions of section 6, shall be punishable for every such payment, abetment or contravention with imprisonment for a term which shall not be less than three months but which may extend to one year and with fine which shall not be less than five hundred rupees but which may extend to one thousand rupees or with both.

(2) The Court convicting any person for contraventions of section 6, may, in addition to the fine direct such person to deposit the amount so accepted in the court within a period to be specified in the order for being refunded to the debtor.

8. Offences under the Ordinance to be cognisable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) every offence under this Ordinance shall be cognisable.

9. Jurisdiction.—No court inferior to that of a Magistrate of First Class shall try any offence punishable under this Ordinance.

MOHANLAL SUKHADIA
GOVERNOR OF KARNATAKA.

By Order and in the name of the Governor of Karnataka.

M. L. RAMASWAMI,
Draftsman and Ex-Officio
Joint Secretary to Government,
Department of Law and Parliamentary Affairs.

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